



### Remarks

In response to the non-final Office Action mailed March 3, 2006, the Applicants respectfully request reconsideration of the rejections and that the case pass to issue in light of the remarks below.

The Examiner submits that claims 1-11 and 13-20 are unpatentable under 35 U.S.C. § 103(a) over JP 11-208313 to Koji in view of USPN 6,215,298 to Wesberg, and that claim 12 is unpatentable under 35 U.S.C. § 103(a) over Koji in view of Wesberg further in view of USPN 6,480,106 to Crombez.

#### **Claims 1-11 and 13-20 Are Patentable Over Koji and Wesberg Under 35 U.S.C. § 103(a)**

This rejection applies to independent claims 1, 14, and 19, which are the only pending independent claims. Each of these claims include a electric only indicator. The electric only indicator is used for displaying whether the vehicle is operating in an electric only mode. The Applicants submit that none of the cited references teach such an indicator.

Koji merely displays an instrument panel having a gauge 210 for indicating gas and battery levels. The indicator 210 indicates an amount of fuel available from either a gas tank or battery for operating the vehicle. This data can then be used to express the distance that the vehicle may be able to run.

The Wesberg application discloses a gauge having a tachometer portion and a power band portion. The tachometer portion is used for indicating an engine RPM and the power band portion is used for indicating RPM relative to a selected optimum peak performance RPM value.

Neither of the cited references disclose an indicator for use in indicating whether a vehicle is operating in an electric only mode. Consequently, without conceding whether it

is permissible to combine the teachings of the cited references, neither reference discloses an electric only indicator recited in independent claims 1, 14, and 19. Accordingly, the Applicants respectfully submit that these independent claims and the dependent claims that depend therefrom include all of the limitations thereof, are patentable and nonobvious over the cited references.

The Applicants also note that a number of the dependent claims are separately patentable. In particular, claims 2, 15, 16, and 19 each relate to using a tachometer needle-pointer to indicate the electric only indicator. Contrary to the Examiner's position, the Wesberg patent fails to suggest such capabilities as the Westberg indicator is intended to always point within either one of the tachometer or power band ranges, and not outside of the range to an electric only indicator. The mere capability of a reference to execute an operation is insufficient justification for the corresponding action. Westberg fails to provide any suggestion to move the needle-pointer beyond the areas demarcated by one of the noted ranges.

Claims 7-11, 14, 18, and 20 indicate various conditions associated with activating an electric only indicator. Again, the references clearly lack an suggestion, motivation, or incentive to limit operation of an electric only indicator to the variables specified in the noted claims. The Examiner is respectfully request to better clarify the rejections thereto and to support the obvious of modifying the cited reference to execute the operations associated therewith.

Claim 13 relates to the electric only indicator not indicating energy available for driving the electric motor. As noted above, the electric indicator in Koji is only used to indicate energy available to drive an electric motor, and therefore, cannot teach this limitation, contrary to the Examiner's position.

**Claim 12 Is Patentable Under 35 U.S.C. § 103(a)  
Over Koji In View of Wesberg and Further In View Of Crombez**

Claim 12 depends from patentable claim 1, and is believed to be patentable for at least the same reasons that claim 1 is patentable.

**Conclusion**

In view of the foregoing, the Applicants respectfully submit that each rejection has been fully replied to and traversed and that the case is in condition to pass to issue. The Examiner is respectfully requested to pass this case to issue and is invited to contact the undersigned if it would further prosecution of this case to issue.

Respectfully submitted,

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